



## Final Regulation Agency Background Document

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| <b>Agency name</b>                                 | State Board of Social Services   |
| <b>Virginia Administrative Code (VAC) citation</b> | 22 VAC 40-411                    |
| <b>Regulation title</b>                            | General Relief Program           |
| <b>Action title</b>                                | Establish General Relief Program |
| <b>Date this document prepared</b>                 | April 15, 2009                   |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.*

General Relief (GR) is a program that provides assistance to individuals that are not eligible for other forms of assistance and is an optional program at the local level. The regulation defines the different types of assistance available, how income and resources are evaluated for aliens, how recipients can receive assistance through the disability advocacy project, and establishes the date for which eligibility for GR begins. This regulation combines the provisions of four existing regulations into one comprehensive set of rules for the GR program. There are no substantive changes in policy.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

The State Board of Social Services approved the final action to establish 22 VAC 40-111, General Relief Program, and to repeal 22 VAC 40-410, 22 VAC 40-570 and 22 VAC 40-40-640 on April 15, 2009.

## Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

Pursuant to § 63.2-217 the Code of Virginia, the State Board of Social Services has authority to promulgate rules and regulations necessary for the operation of all assistance programs. Section 63.2-802 provides for the establishment of a General Relief program.

## Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

General Relief provides assistance to vulnerable populations that cannot receive assistance in other programs. Some of the populations targeted by the General Relief program include children living with unrelated adults and single disabled adults. In many situations, General Relief is the only means of support available. Providing a basic level of subsistence is important for the health, safety, and welfare of disadvantaged individuals in the Commonwealth. Four regulations will be repealed. They are General Relief Program Locality Options (22 VAC 40-570), General Relief Program Entitlement Date (22 VAC 40-410), General Relief Disability Advocacy Project (22 VAC 40-630), and General Relief Program-Deeming Income from Alien Sponsors (22 VAC 40-640). The new comprehensive regulation will make the program easier to administer by local agencies and be understood by the public.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.*

The regulation defines the different types of assistance available. The regulation provides the rules for the disability advocacy project, which will be made available to Supplemental Security Income (SSI) recipients who have received written notification that their disability claim has been denied. The regulation changes the time frames that localities can provide assistance to provide more flexibility at the local level. The regulation updates provisions regarding eligibility of aliens, so that the regulation is consistent with the federal Personal Responsibility and Work Opportunity Reconciliation Act. Obsolete terms, such as references to the Aid to Families with Dependent Children program, were updated.

## Issues

*Please identify the issues associated with the proposed regulatory action, including:*  
1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;

2) the primary advantages and disadvantages to the agency or the Commonwealth; and  
 3) other pertinent matters of interest to the regulated community, government officials, and the public.  
 If there are no disadvantages to the public or the Commonwealth, please indicate.

The regulation will be an advantage to the vulnerable population that cannot receive assistance in other programs. General Relief is often the only means to support those individuals. The consolidated regulation simplifies the regulatory structure of the program. The regulation poses no disadvantages to the public or the Commonwealth.

**Changes made since the proposed stage**

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

No changes to the text of the regulation have been made since publication at the proposed stage.

**Public comment**

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

| Commenter  | Comment  | Agency response   |
|------------|--|---|
| Pam Benton | As a condition of eligibility, require substance abuse treatment for clients approved for GR when medical records indicate this or related health issues as the reason for unemployment. | The regulation will not be changed due to the lack of GR program funding. |

**All changes made in this regulatory action**

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

| Current section number | Proposed new section number, if applicable | Current requirement  | Proposed change and rationale  |
|------------------------|--|--|--|
| 22 VAC 40-640-10       | 22 VAC 40-411-10                           | The current regulations make reference to the obsolete Aid to Families with Dependent Children (AFDC) program. | The term has been changed to the AFDC’s replacement, the Temporary Assistance for Needy families (TANF) program. |
| 22 VAC 40-640-10       | 22 VAC 40-411-10                           | The current regulations make a reference to the obsolete term, Immigration and Naturalization Service          | The term has been changed to INS’s replacement, the United States Citizenship and Immigrate Services (USCIS).    |

|                  |                  |   |  |
|------------------|------------------|---|--|
|                  |                  | (INS).  |  |
| 22 VAC 40-640-10 | 22-VAC-40-411-10 | The current regulations make reference to the United States Department of Justice.  | The term has been changed to the United States Department of Homeland Security.      |
| 22 VAC 40-570-10 | 22 VAC 40-411-10 | The current regulations make a reference to the term "Agency Contract," which are pharmacy agreements that provide prescription drugs to General Relief recipients. | The term "Agency Contract" will be removed. There are no longer pharmacy agreements. |
| 22 VAC 40-570    | 22 VAC 40-411    | The current regulations make references to the statutory authority as §§ 63.1-25 and 63.1-106.  | The correct statutory authority is §§ 63.2-217 and 63.2-802.                         |

**Regulatory flexibility analysis**

*Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

The new regulation is a comprehensive regulation which includes provisions from several repealed regulations, including the different types of GR components available, how income and resources from alien sponsors are evaluated, how recipients can receive assistance through the disability advocacy project, and establishes the date in which entitlement for GR applications will begin. There were no alternatives to the new regulation.

**Family impact**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

A comprehensive General Relief regulation will be established. The General Relief program provides assistance for vulnerable individuals and families which increases income and provides needed support. The General Relief program has no impact on the authority or rights of parents. Persons eligible for General Relief are not eligible for other forms of assistance and generally unable to fully support themselves.